

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

MAUDA VANESSA NUNEZ) CASE NO. 2:13-cv-01186
CASTRO,)
) JUDGE WATSON
Plaintiff,)
v.) MAGISTRATE JUDGE NORAH MCCANN
) KING
LOS CAMPEROS, INC.,)
)
Defendant.) **ANSWER OF DEFENDANTS**

Now come Defendants Los Camperos, Inc., Los Camperos II, LLC, Los Mariachis of Groveport, LLC, and Luis Arturo Diaz Cruz a/k/a Luis A. Cruz (hereinafter referred to collectively as “Defendants”), through counsel and state the following as their Answer to the Complaint (“Complaint”) of Plaintiff Mauda Vanessa Nunez Castro (“Plaintiff”):

1. Defendants deny each and every allegation set forth in paragraphs 1 through, and including, 3 of the Complaint Plaintiff filed herein.
2. Defendants deny that this Court has jurisdiction over Plaintiff’s FLSA claims and deny each and every other allegation set forth in paragraph 4 of the Complaint.
3. Defendants deny that this Court has jurisdiction over Plaintiff’s Pregnancy Discrimination Act claims and deny each and every other allegation set forth in paragraph 5 of the Complaint.
4. Defendants deny that this Court has jurisdiction over Plaintiff’s Trafficking Victims Protection Reauthorization Act claims and deny each and every other allegation set forth in paragraph 6 of the Complaint.

5. Defendants admit that if Plaintiff has jurisdiction over any of the claims asserted in the Complaint, and over the parties against whom those claims are asserted that venue is appropriate in this Court for those claims, but Defendants deny each and every other allegation set forth in paragraph 7 of the Complaint.
6. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8 of the Complaint.
7. Defendants admit that Defendant Los Camperos, Inc. (hereinafter referred to as “Los Camperos”) is an Ohio corporation registered with the Ohio Secretary of State, that Los Camperos owns and operates a restaurant specializing in Mexican cuisine that is located at 3610 South High Street, Columbus, Ohio 43207, but denies that Los Camperos II, LLC has any ownership interest in the restaurant at 3610 South High Street, Columbus, Ohio 43207, and denies each and every other allegation set forth in paragraph 9 of the Complaint.
8. Defendant, Los Mariachis of Groveport, LLC (hereinafter referred to as “Los Mariachis”), states that it is an Ohio limited liability company which owns and operates a restaurant specializing in Mexican cuisine that is located at 296 Main Street, Groveport, Ohio 43125, but denies each and every other allegation set forth in paragraph 10 of the Complaint.
9. Defendant Luis A. Cruz (“Mr. Cruz”) admits that he is the owner of Los Mariachis and Los Camperos, but denies that he is the general manager of the restaurants operated by Los Mariachis and Los Camperos, denies that he conducts business in Franklin County, Ohio, and denies each and every other allegation set forth in paragraph 11 of the Complaint.

10. Because paragraph 12 of the Complaint does not assert an allegation of fact Defendants will not state a response to the allegations in that paragraph.
11. Defendants deny each and every allegation set forth in paragraphs 13 through, and including 18 of the Complaint.
12. Defendants admit that Plaintiff was employed at separate times by Los Mariachis and Los Camperos as a “bus boy”, and that in this employment she was not a tipped employee; but Defendants assert that Plaintiff was paid for all of the hours she worked, and that she never worked overtime; and Defendants deny each and every other allegation set forth in paragraphs 19 through, and including 36 of the Complaint.
13. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraphs 37 and 38 of the Complaint.
14. Defendants deny each and every allegation set forth in paragraphs 39 through, and including 54 of the Complaint.
15. Defendants admit that at some point during her employment at Los Camperos and Los Mariachis, Plaintiff lived at a residence which Defendants believe to have been located at 545 Hickory Alley, Groveport, Ohio 44057, but Defendants assert that this residence is rented jointly by employees of Los Camperos and Los Mariachis, that Defendants have no ownership or leasehold interest in this residence, and do not compel employees to live at this residence, and Defendants deny each and every allegation set forth in paragraphs 55 through, and including, 60 of the Complaint.

16. In response to paragraph 61 of the Complaint, Defendants reassert each and every response they made to the allegations set forth in paragraphs 1 through, and including, 60 of the Complaint.
17. Defendants deny each and every allegation set forth in paragraphs 62 through, and including 65 of the Complaint.
18. In response to paragraph 66 of the Complaint, Defendants reassert each and every response they made to the allegations set forth in paragraphs 1 through, and including, 65 of the Complaint.
19. Defendants deny each and every allegation set forth in paragraphs 67 through, and including, 70 of the Complaint.
20. In response to paragraph 71 of the Complaint, Defendants reassert each and every response they made to the allegations set forth in paragraphs 1 through, and including, 70 of the Complaint.
21. Defendants deny each and every allegation set forth in paragraphs 72 through, and including 76 of the Complaint.
22. In response to paragraph 77 of the Complaint, Defendants reassert each and every response they made to the allegations set forth in paragraphs 1 through, and including, 76 of the Complaint.
23. Defendants deny each and every allegation set forth in paragraphs 77 through, and including 81 of the Complaint.
24. In response to paragraph 82 of the Complaint, Defendants reassert each and every response they made to the allegations set forth in paragraphs 1 through, and including, 81 of the Complaint.

25. Defendants deny each and every allegation set forth in paragraphs 83 through, and including 87 of the Complaint.
26. In response to paragraph 88 of the Complaint, Defendants reassert each and every response they made to the allegations set forth in paragraphs 1 through, and including, 87 of the Complaint.
27. Defendants deny each and every allegation set forth in paragraphs 89 through, and including 96 of the Complaint.
28. Defendants deny each and every allegation set forth in the Complaint not specifically admitted herein.

Affirmative Defenses

29. This Court lacks subject matter jurisdiction over the claims set forth in the Complaint.
30. The Complaint fails to state a claim upon which relief can be granted.
31. Plaintiff failed to exhaust its administrative remedies under Ohio Revised Code Chapter 4112 for her State pregnancy-based discrimination claims.

WHEREFORE, Defendants Los Camperos, Inc., Los Camperos II, LLC, Los Mariachis of Groveport, LLC, and Luis A. Cruz request that the Complaint of Plaintiff, Mauda Vanessa Nunez Castro be dismissed, and that Defendants be awarded the costs of this action.

/s/Gary A. Gillett
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CERTIFICATE OF SERVICE

A copy of the foregoing has been sent by e-mail, this 14th day of January 2014 to the following:

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